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Good afternoon, Chairman Wynn, Vice Chair Solis, Ranking Member Shadegg, and members of the Subcommittee. Thank you for the opportunity to speak before this Subcommittee on behalf of the Environmental Protection Agency. I am here today to discuss efforts to address the continued presence of asbestos in products and materials still in use in the U.S. Despite the common misperception that asbestos is banned, it does remain legal today, with certain exceptions, to manufacture, import, process, and use asbestos-containing products. However, imports and domestic uses of raw asbestos have been steadily declining. Nevertheless, the well-known adverse health effects that can result from exposure to asbestos continue to make its presence and availability a matter of concern. We believe a legislative approach to address this issue may be one effective way of further reducing the risks from asbestos, provided it is carefully crafted and effectively focuses on actions that will result in risk reduction. We look forward to working with the Subcommittee on this important issue.

Asbestos Today

As the Subcommittee is aware, asbestos is the name given to a number of naturally occurring fibrous minerals mined for their useful properties of heat resistance and fiber strength. Asbestos is a human carcinogen. Exposure to asbestos can be harmful to human health if asbestos fibers are inhaled into the lungs. Asbestos is made up of microscopic bundles of fibers that may become airborne when asbestos-containing materials are damaged or disturbed. When these fibers get into the air they may be inhaled into the lungs, where they can cause significant

health problems. These fibers can come from naturally occurring sources of asbestos or from the wearing down or disturbance of manufactured products including insulation, automotive brakes and clutches, ceiling and floor tiles, dry wall, roof shingles, and cement. Fibers embedded in lung tissue over time may cause diseases such as asbestosis (a slow buildup of scar-like tissue in the lungs and in the membrane that surrounds the lungs), lung cancer and mesothelioma, a cancer of the thin membrane that surrounds the lung and other internal organs. These diseases do not develop immediately following exposure to asbestos, but appear only after a number of years. There is also some evidence from studies of workers that breathing asbestos can increase the chances of getting cancer in other locations (for example, the stomach, intestines, esophagus, pancreas, and kidneys), but this is less certain. Lung cancer is usually fatal, while mesothelioma is almost always fatal, often within a few months of diagnosis.

The National Institute for Occupational Safety and Health (NIOSH) tracks annual asbestosis deaths since 1968 and malignant mesothelioma deaths since 1999. Their data indicate that asbestosis deaths increased almost 20-fold from the late 1960s to the late 1990s. Currently there are nearly 1,500 asbestosis deaths per year. Mesothelioma deaths have increased from 2,485 in 1999 to 2,657 in 2004. It is important to note that the latency period between exposure and the onset of diseases is typically long, often measured in decades.

Asbestos has been used in a wide range of manufactured goods, including building materials like roofing shingles, ceiling and floor tiles, paper and cement products, textiles, coatings, and in friction products such as automobile brake, clutch and transmission parts. Asbestos is no longer mined in the U.S. The U.S. Geological Survey reports that the U.S. is totally dependent on imports to meet manufacturing needs. In 2007, imports of raw asbestos for domestic use decreased to an estimated 1,820 tons in 2007 from 2,230 tons in 2006. This reflects a long decline in imports of raw asbestos. Consumption of the raw imported asbestos in the U.S. was estimated

to be 84% for roofing products and 16% for other applications. There is anecdotal evidence from some manufacturers indicating their use of asbestos has declined.

Comprehensive information is not available on imports of asbestos-containing products or the current level of human exposure to the asbestos in those products. Trade data suggest that product categories which may include asbestos-containing products continue to enter the U.S., such as brake and friction products and roofing materials, but the percentage that is asbestos-containing has not been firmly estimated.

Asbestos continues to be found in buildings across the U.S. EPA advises asbestos should be managed in place so that it is contained, intact, and undisturbed, preventing exposure to asbestos fibers that could be released with an improper removal. Removal of asbestos from buildings is regulated to ensure the material is handled safely by trained professionals and does not present a risk of exposure to individuals during removal and disposal.

Overall, evidence suggests declining use of asbestos in the U.S., but exposure to asbestos, particularly in workplaces, remains a public health concern due to its continued use and presence in buildings and products. While disease rates may decline over time as use declines, given the severity and negative outcomes associated with asbestos-related diseases, further actions to address the remaining uses will further speed the decline of future incidents of disease.

Federal Efforts to Address Asbestos

For decades, a number of federal agencies have regulated asbestos-containing products, wastes and releases, and this work has resulted in significant reduction in exposures. In recognition of the public health risk that can result from exposure to asbestos, in 1989 EPA promulgated final regulations under Section 6 of the Toxic Substances Control Act (TSCA) to ban and phase out asbestos in most products. However, in 1991, the U.S. Court of Appeals for the 5th Circuit overturned portions of the Agency's Asbestos Ban and Phaseout Rule. Following the Court

ruling, only a few asbestos uses remain banned, along with "new uses" of asbestos.. The banned uses represented products which were likely to contain intentionally added asbestos above one percent. It is my understanding that the Agency chose not to pursue further rulemaking to address the remaining uses of asbestos, in part due to efforts to address other priority asbestos concerns such as implementation of the asbestos in schools program, which included a substantial grant program for schools. However, we feel the ban attempt had a positive effect because it both prevented any new uses and helped increase awareness of where asbestos might be found.

EPA continues its focus on reducing asbestos exposure and risks in other priority areas. The TSCA asbestos program has focused on preventing and addressing asbestos hazards in schools under the Asbestos Hazard Emergency Response Act and its amendments. This approach is designed to prevent asbestos exposure by teaching people to recognize asbestos-containing materials and actively monitor and, where necessary, manage them in place. Removal is not usually necessary unless the material is damaged or will be disturbed by a building demolition or renovation project. EPA also regulates the release of asbestos from factories and during building demolition or renovation under to the Clean Air Act. In a number of instances, where environmental releases or threatened releases substantially endangers public health or the environment, EPA performs asbestos cleanups under the Superfund program. One of the largest asbestos remediation efforts at the Agency is the asbestos contamination problem involving Superfund at the Libby, Montana site. EPA has been working in Libby since 1999 when an Emergency Response Team was sent to investigate local concern and news articles about vermiculite contaminated with asbestos and other similar fibers. Since that time, EPA has been working closely with the community to clean up contamination and reduce risks to human health. In addition to the Libby site, the EPA Superfund Program has been addressing numerous sites which processed vermiculite from the Libby mine and other asbestos contaminated sites around

the country. The situation at Libby clearly generated a renewed focus on asbestos, not just at EPA but by concerned citizens and here in Congress.

Improving Our Understanding of Asbestos

Many questions remain about asbestos, including in areas such as toxicology, epidemiology, and exposure assessment. EPA appreciates that the Senate legislation places an emphasis on cooperative Federal research, led by the National Institute for Occupational Safety and Health. NIOSH has already taken the lead in developing a Federal roadmap for asbestos research.

EPA has a number of ongoing activities to address uncertainties that include both the conduct of research to address data gaps associated with health effects and the assessment of risks from exposure to asbestos and related materials. As one example, the Office of Solid Waste and Emergency Response, the Office of Research and Development, and EPA Region 8 are currently conducting a toxicity assessment for the mixture of fibrous amphibole asbestos minerals found in Libby. Although focused on Libby-specific effects, we anticipate that the knowledge developed will be helpful to advance the state of the science for asbestos nationwide. Aggressive efforts to resolve the remaining questions about asbestos are integral to protecting public health and the environment from the risks of asbestos exposure.

Legislative Approaches to Asbestos

EPA believes that asbestos does not belong in products when safer and equally efficacious and cost-effective substitutes exist. After preliminary review, we have concerns with some provisions in the draft bill, such as the provision related to aggregates and the compliance testing requirement, and may have additional concerns after the administration completes its review. We look forward to providing technical assistance as the Committee continues its efforts.